

United States District Court

JUL 22 2016

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Adan Hernandez-Nunez

Principal

Case Number:

YOB: 1987

the United Mexican States

M-16-1376-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 14, 2016 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Ingrid Micaela Vazquez-De Leon, Maria Lopez-Gomez, and Martin Eleazar Perez-Lopez, citizens and nationals of Guatemala, along with one (1) other undocumented alien, for a total of four (4), who had entered the United States in violation of law, concealed, harbored or shielded from detection or attempt to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii) FELONY

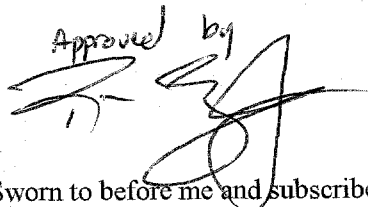
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On July 14, 2016, Border Patrol Agents assigned to Operation Shortstop in support of Operation Summer Solstice were conducting observation duties on Highway 186 east of San Manuel, Texas. It was at this time that Supervisory Border Patrol Agent (SBPA) R. Silva witnessed a Ford F-150 traveling westbound towards San Manuel, Texas.

The Ford F-150 appeared heavily laden in the rear, indicating that the vehicle may have exceeded its weight capacity. Many smuggling operations modify the rear suspension of load vehicles with heavier springs or shocks to handle the excess weight of multiple passengers. Due to the suspicious nature of F-150, SBPA Silva relayed the vehicles description to surrounding Agents and attempted to further scan the vehicle.

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved by


Sworn to before me and subscribed in my presence,

July 22, 2016

Date

Peter E. Ormsby

Name and Title of Judicial Officer

U. S. Magistrate Judge

at McAllen, Texas

City and State


Signature of Judicial Officer

Signature of Complainant

Jon Chan

Senior Patrol Agent

Printed Name of Complainant

**UNITED STATES DISTRICT COURT
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CONTINUATION:

Before Agent Silva could close the distance between himself and the suspect vehicle, the Ford F-150 was seen conducting an abrupt U-turn on HWY 186 and began to return eastbound. Shortly after and before SBPA Silva was able to activate his emergency equipment, the Ford F-150 turned off of the HWY 186 and came to a stop on the soft shoulder to the north side of the roadway. Immediately after coming to a stop, multiple subjects were seen fleeing from the vehicle in an attempt to abscond into the surrounding brush.

After a thorough search of the surrounding area four (4) subjects with no legal right to be or remain in the United States was apprehended and transport to the Weslaco Border Patrol Station for processing.

On July 15, 2016, while at the Weslaco Border Patrol Station, one of the smuggled aliens, M.M.U.T, stated that she had been sexually assaulted while being harbored at an unidentified location. M.M.U.T stated a female undocumented alien (UDA) had escaped the stash house due to being extorted and the caretaker accused M.M.U.T of encouraging her to escape. M.M.U.T further stated that the caretaker threatened her that she was going to pay for the escape and took her to a mobile home far from the stash house on or about July 11, 2016. According to M.M.U.T, the assault occurred on or about Monday July 11, 2016 at a mobile home. Furthermore, she stated that the unidentified caretaker/suspect threatened her that if she said anything to anyone about the incident, that she would get it worst. M.M.U.T then stated that the caretaker/sexual assault suspect took her to Wal-Mart, after the sexual assault, where he purchased food for the stash house. M.M.U.T told agents she walked with the suspect and did not seek help or run because she feared for her life. She further stated that the suspect verbally expressed remorse for sexually assaulting her and bought her a pair of shoes to compensate for the incident. T M.M.U.T was taken on a custodial escort to attempt and locate the stash house where the suspect resides and harbors illegal aliens. The Wal-Mart in question was positively identified as the one located in Palmhurst, Texas by M.M.U.T. Agents attempted to locate the stash house without success on July 15, 2016.

M.M.U.T described the caretaker/sexual assault suspect as being heavy set, about 34 years old, Hispanic, with a distinct light brown beard. She stated that he was known as "Gordo" and that he drove a black van. M.M.U.T further identified the stash house as being a two story house with a two car garage and an old in ground swimming pool which was green due to algae. She further identified the property as being 15 to 20 minutes from the Wal-Mart and of having a dirt driveway with two metal posts at the entrance.

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CONTINUATION:

On July 18, 2016, Border Patrol Intelligence Agents searched the area near the aforementioned Wal-Mart in an attempt to identify the stash house described by M.M.U.T. Agents noticed a black van near the Wal-Mart in Palmhurst, Texas. Agents recognized the driver, Adan HERNANDEZ-Nunez, as a known alien smuggler and noticed HERNANDEZ-Nunez fit the description given by M.M.U.T of the caretaker/suspect being heavy set, in his mid-thirties, with a light brown beard. Agents approached Adan HERNANDEZ-Nunez and conducted an immigration inspection. He was unable to provide any documentation that he was in the U.S. legally. A photo lineup containing six male subjects including Adan HERNANDEZ-Nunez, was sent to Deportations Officer Rigoberto Rocha at the Port Isabel Detention Center. Deportation Officer R. Rocha presented the photo line up to M.M.U.T. M.M.U.T positively identified Adan HERNANDEZ-Nunez on the photo lineup as the caretaker and person who sexually assaulted her.

PRINCIPAL STATEMENT:

Adan Hernandez-Nunez, a citizen and national of Mexico, is currently in United States Marshal's custody.

MATERIAL WITNESS STATEMENTS:

Ingrid Micaela Vazquez-De Leon, Martin Eleazar Perez-Lopez and Maria Lopez-Gomez were read their right, stated they understood their rights and were willing to provide a sworn statement without the presence of an attorney.

1#

Ingrid Micaela Vazquez-De Leon, a citizen and national of Guatemala, stated to have illegally entered into the United States on June 7, 2016 along with fourteen other Undocumented Aliens. After crossing into the United States, Vazquez told agents her group walked through the brush for five (5) hours before meeting up with a black pickup truck. The group was driven to a stash house where Vazquez stayed for six (6) days. At the stash house, Vasquez stated the group was provide food and water by a man she identified as Gordo. Through a photo lineup, Ingrid Micaela Vazquez-De Leon was able to identify Gordo as Adan Hernandez-Nunez. After six days at the stash house, a white pickup truck arrived and transported her north and was eventually arrested by Border Patrol.

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CONTINUATION:

2#

Maria Lopez-Gomez, a citizen and national of Guatemala, stated that her father was going to pay \$5,000 USD for her smuggling arrangements. She illegally entered into the United States on June 10, 2016 along with fifteen other Undocumented Aliens. After crossing into the United States, Lopez told agents that her group walked through the brush for five (5) hours before meeting up with a black car. The group was driven to a stash house where Lopez stayed at. At the stash house, Lopez stated the group was provide food and water by a man she identified as Gordo. Through a photo lineup, Maria Lopez-Gomez was able to identify Gordo as Adan Hernandez-Nunez. Also through a photo lineup, Maria Lopez-Gomez was able to identify M.M.U.T, as the women that left the house with the caretaker.

3#

Martin Eleazar Perez-Lopez, a citizen and national of Guatemala, stated that he was going to pay \$9,000 USD for his smuggling arrangements. He illegally entered into the United States on June 10, 2016 along with twelve other Undocumented Aliens. After crossing into the United States, Perez told agents that his group waited by some orchards until a dark in color van picked them up and took them to the stash house. At the stash house, Perez stated the group was provided with food and water by the same man that drove them to the stash house, which he identified as Gordo. Through a photo lineup, Martin Eleazar Perez-Lopez was able to identify Gordo as Adan Hernandez-Nunez. Also through a photo lineup, Martin Eleazar Perez-Lopez was able to identify M.M.U.T, as the women in the stash house in Reynosa and in the U.S. Perez stated that on several occasions Gordo took M.M.U.T with him to Wal-Mart.